

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

STEVEN FOSTER STILES,

Plaintiff,

v.

CAROLINE ZAPP KAHN, CLARK MATHEW  
STILES, AMITY GIRT JD, and BLAINE  
TRUMAN LOWRY,

Defendants.

Case No.: 3:23-cv-00577-YY

ORDER

**Adrienne Nelson, District Judge**

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on May 16, 2023. Judge You recommended that this Court dismiss plaintiff's amended complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff filed numerous documents; however, none of those filings were entered prior to the June 6, 2023 deadline to file objections.

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

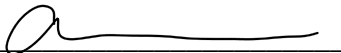
As noted above, objections to Judge You's findings and recommendation were due on June 6, 2023. Although plaintiff submitted numerous filings, only three could plausibly be considered objections to Judge You's findings and recommendation. However, two of those filings were submitted on June 22, 2023, and the third was submitted on June 30, 2023, making them untimely. Further, a review of plaintiff's

objections indicates that they are unrelated to the claims asserted in plaintiff's amended complaint, or assert new claims not originally included in the amended complaint. None of the objections allege specific defects in Judge You's report. Therefore, this Court reviews Judge You's Findings and Recommendation for clear error on the face of the record.

Finding no such error, the Court ADOPTS Judge You's Findings and Recommendation, ECF [8]. The case is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) without prejudice and without leave to amend. Further, the Court finds that any appeal from this Order would not be taken in "good faith." 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); *see Coppedge v. United States*, 369 U.S. 438, 445 (1962) (defining good faith as objective determination that party's issues are not frivolous). Therefore, plaintiff's *in forma pauperis* status is revoked.

IT IS SO ORDERED.

DATED this 12th day of July, 2023.

  
Adrienne Nelson  
United States District Judge